

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

FIDEL ALBERTO SANTIAGO VALENTIN,
VICTOR ARTURO PÉREZ PÉREZ

Plaintiffs
v.

APS HEALTHCARE PUERTO RICO, INC.,
APS CLINICS OF PUERTO RICO, INC.,
LUTGARDO ACEVEDO-LOPEZ

Defendants

CIVIL NO. 21-01074

ADA; REHABILITATION ACT;
DAMAGES

NOTICE OF REMOVAL

TO THE HONORABLE COURT:

COME NOW defendants APS Healthcare Puerto Rico, Inc. and APS Clinics of Puerto Rico, Inc. (hereinafter jointly referred to as “APS”), through the undersigned attorney, and very respectfully Allege and Pray as follows:

1. APS hereby removes Case No. AG2021CV00013 from the Puerto Rico Court of First Instance, Aguadilla Part, to the United States District Court for the District of Puerto Rico, pursuant to 28 U.S.C. §1331, and as grounds for its removal states as follows:

STATEMENT OF THE CASE

2. On January 6, 2021 Plaintiffs filed a Complaint in the Puerto Rico Court of First Instance, Aguadilla Part styled Fidel Alberto Santiago Valentín et als. v. APS Healthcare Puerto Rico, Inc., et als., Case No. AG2021CV00013 (the “State Court Action”). See, Exhibit A.

3. APS was served with summons on January 15, 2021. See, Exhibits B and C (which will be submitted in English by the end of the week).

4. Co-defendant Lutgardo Acevedo has not been served. Plaintiffs informed that they will be moving to voluntarily dismiss the complaint against him. See, Exhibit D. Consequently, there are no additional co-defendants in the case.

FEDERAL MATTER UNDER 28 U.S.C. §1331

5. The complaint asserts a cause of action under the Americans with Disabilities Act, 42 U.S.C §12101 et seq. and a second cause of action under Section 504 of the Rehabilitation Act, 29 U.S.C. §794. Additionally, the complaint contains one cause of action under the torts provision in Article 1536 of the Puerto Rico Civil Code of 2020, over which this Court can exercise supplemental jurisdiction.

6. In general, Plaintiffs complain that they are hard of hearing and that APS has discriminated against them by not having interpreters during the psychiatric and/or psychological sessions. Plaintiffs also allege, seemingly on behalf of the complete hearing-impaired population, that APS does not comply with other statutory requirements under ADA and the Rehabilitation Act.

7. The relief sought by Plaintiffs includes a) injunctive relief; b) compensatory and mental damages for no less than \$500,000; c) costs and attorneys' fees.

ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

8. Pursuant to 28 U.S.C. §1446(a), a true and correct copy of all of the process, pleadings, orders and documents from the State Court Action which have been served upon APS are being filed with this Notice of Removal.

9. This Notice of Removal has been filed within 30 days from the date in which APS was served with summons. Removal is therefore timely in accordance with 28 U.S.C. §1446(b).

10. Venue is proper pursuant to 28 U.S.C. §1441(a) and 1446(a) because the United States District Court for the District of Puerto Rico is the federal judicial district embracing the Puerto Rico court where the State Court Action was originally filed.

CONCLUSION

By this Notice of Removal, APS does not waive any objections it may have as to service, jurisdiction or venue, or any other defenses or objections it may have to this action. APS intends no admission of fact, law or liability by this Notice, and expressly reserves all defenses, motions and/or pleas.

RESPECTFULLY SUBMITTED, this 15th day of February 2021.

CERTIFICATE OF SERVICE

A true and exact copy of this document has been sent to José Carlos Vélez Colón to his email address at jvelez@velezlawgroup.com and to Zuleika Castro de Jesús to her email address at zcastro@dejesuslaw.com.

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